

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Robert Fischer and Stephanie Lukis,
individually and on behalf of all others
similarly situated,

Plaintiffs,

Case No.: 2019-CH-07517

V.

Instant Checkmate LLC,

Defendant.

DEFENDANT INSTANT CHECKMATE, LLC'S ANSWERS AND RESPONSES
TO PLAINTIFF'S FIRST WRITTEN DISCOVERY

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Defendant Instant Checkmate, LLC (“Instant Checkmate”), hereby respectfully objects, answers, and responds to Plaintiffs’ First Written Discovery requests as follows:

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Instant Checkmate objects to Plaintiffs' instructions to these interrogatories and requests for production to the extent that they are inconsistent with Instant Checkmate's obligations under Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and applicable Local Rules.

2. Instant Checkmate objects to the definition of “Personal Identity Information” or “PII” as it is inconsistent with the applicable definition of “Identity” under 765 ILCS 1075/5 of the Illinois Right of Publicity Act. Instant Checkmate further objects that Plaintiffs’ definition of “Personal Identity Information” or “PII” is overly broad, expansive, and likely to cause confusion of the issues as it refers to information that is not an “attribute of an individual that serves to identify that individual to an ordinary, reasonable viewer or listener.” As such, the Plaintiffs’

6. Apart from the Terms of Use that govern the use of your website, do you maintain that you received any consent from any Illinois resident to advertise the availability of their background report on your website? If yes, identify all such forms of consent.

OBJECTION: Instant Checkmate objects to this interrogatory to the extent that it presumes that Instant Checkmate is under any legal obligation to obtain an Illinois resident's consent to compile factual information about a person or to advertise the sale of its background reports.

ANSWER: Subject to and without waiving the foregoing objections, No.

7. Describe what PII is available for free to users of your Website and what additional PII is available for pay.

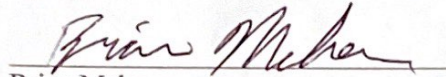
OBJECTION: Instant Checkmate objects to this interrogatory to the extent that the definition of "Personal Identity Information" or "PII" is inconsistent with the Illinois Right of Publicity Act's definition of "Identity." Instant Checkmate further objects to this request on the grounds that it seeks information that is neither relevant to any claim or defense in this action nor proportional to the needs of the case, as required by Federal Rule of Civil Procedure 26(b)(1). More specifically, whether a user is required to pay to access a background report has no bearing on Instant Checkmate's liability under the Illinois Right of Publicity Act.

ANSWER: Subject to and without waiving the foregoing objections, the information contained in Instant Checkmate's "preview" is provided at no charge. Upon visiting Instant Checkmate's website, the user enters a person's first and last name, a city, and a state. Instant Checkmate then asks the user various questions concerning the search subject so that it can advise the user whether it has a background report for that search subject. These queries include the person's gender, whether, to the user's knowledge, the search subject ever lived in various locations, and whether, to the user's knowledge, the search subject is related to certain individuals.

VERIFICATION

I hereby declare under the penalty of perjury under the laws of the United States of America that the foregoing answers to interrogatories are true and correct to the best of my information, knowledge, and belief.

Date: August 31, 2020

A handwritten signature in dark ink, appearing to read "Brian Mahon", is written over a horizontal line.

Brian Mahon,
Vice President of Product Instant Checkmate, LLC

previously produced a copy of Plaintiff Stephanie Lukis' background report on June 17, 2020.

13. A copy of the background report of Plaintiff Robert Fischer.

OBJECTION: Instant Checkmate objects to this request as unnecessary and duplicative.

RESPONSE: Subject to and without waiving the foregoing objection, Instant Checkmate previously produced a copy of Plaintiff Robert Fischer's background report on May 13, 2020.

Dated: August 31, 2020

Respectfully submitted,

INSTANT CHECKMATE, LLC

Damon W.D. Wright

Avanti D. Bakane, # 6299022

Benjamin R. Kinney #6317720

Damon W.D. Wright (*pro hac vice*)

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We scour data from specialized sources to give you valuable information in one location. We're proud to have over 70,000 5-star reviews from actual Instant Checkmate users, as well as an A+ Rating from the BBB.



Dedicated to Customer Privacy

We put privacy first and never alert the person you searched that you've uncovered the details in their background report. In fact, your searches are secured with a 128-bit encrypted connection and with verified Norton protection.

Instant Checkmate is a public records search service that gives you the power to perform online **background checks** instantly. Search anyone in America, and you could get immediate access to their **criminal records**, **arrest records**, related court documents, addresses, real age, and known aliases.

Perform A Criminal Background Check Instantly

If you suspect that someone in your life may have a history of violence, the safest way to know for sure is to perform a public arrest records search. With Instant Checkmate, you can search for felony and misdemeanor offenses, as well as other infractions such as speeding tickets. You'll instantly expose whether a person has been arrested, charged, or even booked into jail. Is there a felon, a sex offender, or a former inmate on your block? Search criminal records to find out.

A Fast Way To Get The Information You Want

Getting public records used to be a time-consuming and frustrating process. You had to visit the local county clerk and submit a written request for your documents. If you wanted to search records in a different state, you might have to actually travel to that state and appear in person. Instant Checkmate takes the hassle out of uncovering someone's past by making it easy to run a background check online.

You Get Access To Exceptional Member Care

Because we believe in providing our members with the best possible service, our member care team is available seven days a week. If you have any questions about Instant Checkmate, simply call our toll-free number at 800-222-8985 and one of our friendly member care representatives will help you. We are one of the most advanced background check companies in the country because we offer great service, and we make it easy for our members to stay in touch with us.

Expose The Truth Today

Instant Checkmate is one of the best public criminal records search engines you can use online. Our members turn to our website every day to learn the facts about the people in their lives. Join them so you can discover truths, expose lies, and get the real story about the people in your life. Become an Instant Checkmate member today, and find the truth about anyone.

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